

On October 12, 1934, no claim having been entered for the lot seized at Columbus, Ohio, judgment was entered ordering that it be destroyed. On October 24, 1934, the Dill Co. having appeared as claimant for the lot seized at Washington, D. C., judgment of condemnation was entered and it was ordered that the product be released under bond for relabeling under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23278. Misbranding of Pepoil and Egg a Day. U. S. v. 4 Bottles of Pepoil, et al. Default decree of condemnation and destruction. (F. & D. nos. 33299, 33300. Sample nos. 41413-A, 41414-A, 41415-A.)**

This case involved drug preparations, the labels of which contained unwarranted curative and therapeutic claims.

On September 13, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bottles of Pepoil and 17 packages or pails of Egg a Day, at Hesper, Iowa, alleging that the articles had been shipped in interstate commerce, on or about September 28, 1931, and December 6, 1932, by the Standard Chemical Manufacturing Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Pepoil consisted essentially of a phenolic compound such as creosote, a volatile oil such as terpineol, a sodium compound, 0.5 percent of alcohol, and water; and that the Egg a Day consisted essentially of calcium carbonate, sodium thiosulphate, sodium chloride, iron compounds including iron sulphate, a phosphate and small proportions of plant materials including nux vomica.

The articles were alleged to be misbranded in that the following statements in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Pepoil, bottle) "Petoil \* \* \* A Treatment for Building Up Poor Doing, Sick And Stunted Hogs And Poultry Especially When Weakened By Disease And Worms \* \* \* The use of Standard Pepoil is recommended in the treatment of Flu. Thumps, Pneumonia, Necro, and other intestinal ailments and worms. For many of these diseases we recommend a specific treatment which should be followed with this treatment of Pepoil as indicated below. Hog Flu \* \* \* put them on a 7-day Pepoil treatment \* \* \* Thumps \* \* \* follow for 7 days with this Pepoil Treatment. Pneumonia \* \* \* give this Pepoil treatment for 7 days. Necro \* \* \* put on a 7-day treatment of Pepoil. \* \* \* Worms \* \* \* Use Standard Pepoil as directed below for 10 to 12 days. \* \* \* For Poor Doing Hogs and Runts—Use Standard Pepoil \* \* \* The use of Standard Pepoil is recommended in the treatment of Colds, Roup, Pneumonia and Worms in poultry \* \* \* For some of these diseases we recommend a specific treatment which should be followed with this Pepoil treatment. Roup \* \* \* put them on a treatment of Standard Pepoil \* \* \* Colds—Pneumonia: Treatment same as for Roup. Worms—Put on Standard Pepoil Treatment at once \* \* \* It is well to repeat the Pepoil treatment occasionally as a worm control measure and for its general tonic effects"; (Egg a Day, carton, 2½-lb. size) "Egg a Day \* \* \* Makes More Eggs \* \* \* For best results in egg production \* \* \* Feed \* \* \* for maximum egg production. \* \* \* 2 lbs. Standard Egg a Day."; (carton, 5-lb. size, and pail) "Egg a Day \* \* \* For best results in egg production \* \* \* Food \* \* \* for maximum egg production. \* \* \* 2 lbs. Standard Egg a Day"; (circular, all sizes) "Egg a Day You bought this package of Egg a Day because you want to get more eggs. The egg is the chief end of poultry production and the number of eggs a hen produces marks the difference between loss and profit. We want you to get the best results from the use of Egg a Day. We want your hens to make a profit for you. To get the most eggs you must follow these directions. We guarantee you will get more eggs if you follow these directions \* \* \* 2 lbs. Egg a Day \* \* \* Standard Egg a Day develops strong, healthy chickens and is especially recommended for them. \* \* \* You will have fewer losses, better poultry, and the pullets will lay more eggs. \* \* \* Under the stimulus of Egg a Day the initial cells from which the yolks are formed begin to grow. \* \* \* The other necessary elements are supplied by Egg a Day in just the proper proportions for maximum egg production

\* \* \* Egg a Day stimulates and quickens the digestive processes, making possible a greater degree of assimilation. This means more eggs on less feed. \* \* \* Use Egg a Day According to Directions and You will Get Results."

On October 31, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23279. Misbranding of Re-Ju-Va and Tan-A-Wa. U. S. v. Devore Manufacturing Co., Primrose R. DeVore, Jay G. Hobson, Fred Link Ferguson, Joseph A. Irwin, Harold T. Maloney, William W. Bowser, and Merritt W. Tam. Pleas of guilty. Fines, \$215. (F. & D. no. 31346. Sample nos. 2552-A, 30051-A.)**

Examination of the drug products involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 12, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the DeVore Manufacturing Co., a corporation, Primrose R. DeVore, Jay G. Hobson, Fred Link Ferguson, Joseph A. Irwin, Harold T. Maloney, William W. Bowser, and Merritt W. Tam. The information charged that on or about March 15, 1932, the defendants, the DeVore Manufacturing Co., Primrose R. DeVore, Jay G. Hobson, and Fred Link Ferguson, Columbus, Ohio, shipped under the name of Re-Ju-Va Co., from the State of Ohio into the State of Minnesota a quantity of Re-Ju-Va which was misbranded in violation of the Food and Drugs Act as amended, and that on or about October 18, 1932, the defendants, Harold T. Maloney, William W. Bowser, Merritt W. Tam, and Joseph A. Irwin, Columbus, Ohio, shipped under the name of the Tan-A-Wa Medicine Co., from the State of Ohio into the State of Indiana, a quantity of Tan-A-Wa which was misbranded in violation of said act. The articles were labeled in part: "Re-Ju-Va \* \* \* Re-Ju-Va Company, Minneapolis, Minnesota, Laboratory—Columbus, Ohio. \* \* \* Tan-A-Wa \* \* \* Tan-A-Wa Med. Company, Inc. \* \* \* Columbus, Ohio."

Analyses by this Department showed that the Re-Ju-Va consisted of a red, aqueous solution having a slightly aromatic (peppermint) odor and containing essentially magnesium sulphate, iron chloride, and a small amount of citric acid, glycerin and mineral hypophosphites; and that the Tan-A-Wa consisted essentially of extracts of plant drugs including laxative drugs, berberis and red pepper, a small proportion of salicylate, alcohol, and water.

The Re-Ju-Va was alleged to be misbranded in that certain statements on the cartons and bottle labels, and in a circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to assist nature to establish a normal process of metabolism, and to relieve disorders arising from intestinal putrefaction, including rheumatism, arthritis, neuritis, high blood pressure and stomach, kidney and blood diseases; and effective to remove the cause thereof; effective as a treatment, remedy, and cure for indigestion, acidosis or gas condition, sore throat and insomnia; effective to aid nature in removing the cause of about 90 percent of all disorders due to faulty elimination; effective to assist nature in the relief of sciatica, indigestion, bloating, biliousness, jaundice, catarrh, asthma, acidosis, kidney and blood disorders and nervous and run-down conditions; effective to assist nature in freeing the system of the poisons which arise from the absorption of impurities through the alimentary tract; and effective to remove the cause thereof; effective to bring new health and happiness to thousands; effective to assist nature in attacking the cause of 90 percent of all human ailments; effective as a treatment, remedy, and cure for arthritis, rheumatism, sciatica, lumbago, stomach disorders, acidosis, high blood pressure, asthma, hay fever, catarrh, jaundice, sinus infections, liver disorders, indigestion, dyspepsia, and diabetes; effective to give nature the proper scientific aid to remove the cause of these diseases; effective to rid the system of accumulated poisons, to stimulate glands and organs to normal function, to restore a balanced process of metabolism and to minimize the possibility of recurrence of the poisons; effective to insure permanent relief by removing the cause thereof; effective to cleanse and build up the blood; effective to resist the onslaught of disease; effective to insure health and happiness to thousands of persons helplessly crippled; effective as a health insurance; effective to maintain good health and to keep the body full of pep and vigor; effective as a treatment, remedy, and cure for acid stomach, gas, bloating, ulcers, gastric ulcers and functional derangement of the stomach due either to quantity or